

Remarks

Claims 11-16 and 18 remain pending in this application after entry of this paper. Applicants believe that the invention is patentable. According to the claims, the traditional television program broadcast signal is received at the headend for broadcast distribution to the end users. A buffered storage queue is established at the headend and receives the signal. The stream transmitted from the headend passes through a hub and through a node to reach an end user. The stream is derived from the traditional television program broadcast signal. The stream originates from a user selected playback point in the buffered storage queue. In this way, the traditional television broadcast signal is distributed to the user. The user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal.

Claims 11-15 and 18 stand rejected over Atalla in view Lawrence. Claim 16 stands rejected over Atalla in view of Lawrence further in view of Logan. In making the rejection, the Examiner takes official notice that local manipulation of traditional television signals, not limited to VOD, is well known in the art to provide a user with the ability to rewind or pause a program.

Atalla describes a video on demand distribution system and method, including a number of community systems. A particular community system includes moving memory modules, a microcell access switch, and a number of microcells. In operation of the Atalla system, the user requests a video that is either present in the moving memory modules or may be downloaded thereto. Once the demanded video is present in the moving memory modules, Atalla describes the use of a microcell to control the sending of the video to the user. The microcell does utilize a buffer that, through a bus interface, receives information from the moving memory modules. However, the moving memory modules cyclically distribute the entire set of programs. As such, the microcell access switch acts as a local node that serves a number of users.

Atalla fails to describe or suggest transmitting a stream from the headend that is derived from a traditional program broadcast and that originates from a user selected playback point in the buffered storage queue whereby the traditional television broadcast signal is distributed to the user and wherein user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal as recited in claims 11 and 18. The complex distribution scheme in Atalla only describes distribution of files from master files host gateway 20 for video on demand as opposed to distribution of otherwise traditional television program broadcast signals.

Claims 11 and 18 recite manipulating a traditional television program broadcast signal in combination with a number of specific features whereby the traditional television broadcast signal is distributed to the user and wherein user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal.

In Atalla, traditional television program broadcasting is indicated at network program gateway 100 and network programs 102. As explained by Atalla, network program gateway 100 switches any real time video program, such as a network broadcast program, directly to a user without involving the interactive video on demand system (see column 8, lines 9-12). Thus, it appears that the teachings of Atalla relied on by the Examiner are not used for manipulating traditional television program broadcast signals, but are only used for video on demand applications. Accordingly, Atalla fails to suggest the invention as claimed.

In the Office Action mailed August 2, 2004, the Examiner acknowledges that Atalla does have some shortcomings. Specifically, the Examiner states that Atalla fails to disclose manipulating a traditional television program whereby the traditional television broadcast signal is distributed to the user and wherein the user selection of the playback point allows the user to manipulate an otherwise traditional television signal.

In this new ground of rejection, the Examiner takes official notice that local manipulation of traditional television signals, not limited to VOD, is well known in the art to provide a user with the ability to rewind or pause a program. In view of the noticed facts, the

Examiner goes on to make an obviousness type rejection. First, applicants believe that the noticed facts, in the scope presented by the Examiner, are not necessarily common knowledge or well-known in the art. Applicants request that the Examiner produce authority for this statement by providing documentary evidence in the next Office Action of any specific facts that are believed to be common knowledge.

Further, in taking official notice the Examiner specifically notes that “local manipulation” is well-known. Applicants point out that the claimed invention provides a stream originating from a user selected playback point in the buffered storage queue, and the buffered storage queue is at the headend.

Nevertheless, applicants believe that there is no motivation to modify Atalla to achieve the claimed invention even if the noticed facts were supported by the Examiner with documentary evidence. After all, the Examiner’s only stated motivation is “to provide a user with more control and interactivity by providing VCR type functions.” Even if there were a known desire to provide VCR type functions, the invention comprehends a specific approach that is not suggested by the prior art.

As explained by Atalla, network program gateway 100 switches any real time video program, such as a network broadcast program, directly to a user without involving the interactive video on demand system (see column 8, lines 9-12). In light of this directly contrasting concept within Atalla, there is no motivation to modify Atalla to achieve the claimed invention. Again, even the official notice by the Examiner relates to “local manipulation” which fails to suggest any modification to the principle approach taken by Atalla, let alone to suggest specific modifications so as to achieve the claimed invention.

In summary, there is no suggestion or motivation to modify Atalla to achieve the invention. There is no suggestion that the microcell distribution technique of Atalla would even be appropriate for distributing traditional television program broadcast signals, let alone any suggestion to make such modifications. The only arguments provided by the Examiner are the taking of official notice and a conclusory statement of obviousness. The official notice

is believed to be inappropriate. And even if the Examiner were to provide a supporting reference, there is still no motivation to combine the various teachings of the prior art to achieve the claimed invention. After all, such a combination would be in contrast to Atalla. As well, the "local manipulation" noted by the Examiner does not comprehend the specific approach taken by the invention.

Lawrence fails to overcome the shortcomings noted above. Accordingly, the invention is believed to be patentable.

Claims 12-15 are dependent claims and are also believed to be patentable.

Regarding Claim 16, Claim 16 is a dependent claim and is also believed to be patentable. Further, Logan fails to address the shortcomings of the other applied references.

Respectfully submitted,

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